

Exploring the links between UNCAC and the Paris Declaration

It is acknowledged by donors that the UN Convention against Corruption (UNCAC) should play a central role in country-level dialogue, implementation, and monitoring of anti-corruption work. At the same time, when supporting UNCAC implementation, the principles of the Paris Declaration should be applied. This U4 Brief explores what this can mean in practice.

The Organisation for Co-operation and Development (OECD) Development Assistance Committee (DAC) suggests that the anti-corruption framework of UNCAC should “play a central role in framing country-level dialogue, implementation and monitoring of anti-corruption work” (OECD 2008: 8), while respecting the principles of the Paris Declaration in the nature and scale of external support to UNCAC implementation. This U4 Brief explores the linkages between UNCAC and the Paris Declaration. It argues that UNCAC can serve as an integral part of the managing for development results agenda.

What is the Paris Declaration?

In 2005, 90 developed and developing countries,¹ as well as 26 development agencies, agreed to the following principles in order to make aid more effective:

- **Ownership:** Partner countries exercise effective leadership over their development policies and strategies, and co-ordinate development actions.
- **Alignment:** Donors base their support on partner countries’ national development strategies, institutions and procedures.
- **Harmonisation:** Donors harmonise their actions in a transparent manner to become collectively more effective.
- **Managing for results:** Developing countries and donors manage resources and improve decision-making for measurable results.
- **Mutual accountability:** Donors and partners are accountable for development results.

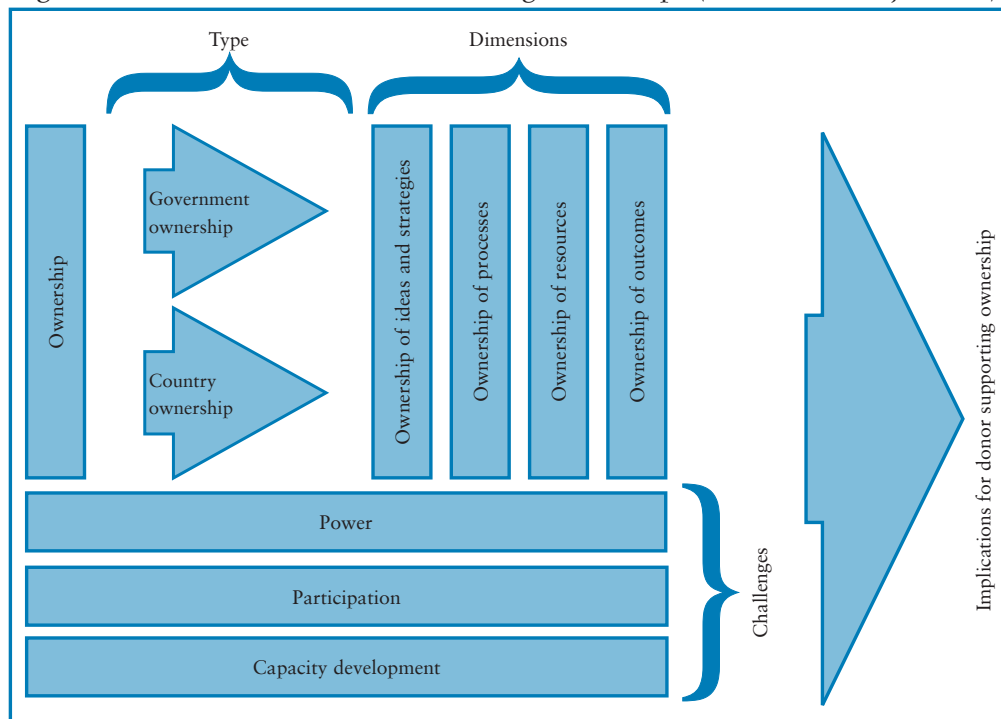
Corruption is recognised as a challenge which takes resources away from activities that are fundamental for poverty reduction and sustainable economic development.

Pressure to implement the Paris Declaration was reemphasised at the 2008 Accra High Level Forum on Aid Effectiveness. The adopted Accra Agenda for Action shows many entry points for linking up with the anti-corruption agenda, and a closer look at the underlying principles can reveal potential synergies and pitfalls.

Ownership

The concept of ownership originated in the realisation that reform can not be imposed from the outside. The Paris Declaration relates ownership mainly to partner government and donor policies and actions. Realising that the concept needs to be extended, the Accra Agenda places more emphasis on the role of parliaments and local authorities in preparing, implementing, and monitoring national development policies. Donors commit themselves to building capacity among all development stakeholders (including parliament, civil society, academia, and media). However, many of the discussions about development assistance – be it in the context of the Paris Declaration or in the context of UNCAC – still take place between governments, and are dominated by their views on aid delivery. Figure 1 (next page) shows that it can be useful to distinguish different types, dimensions, and challenges of ownership. Different actors can be involved in sharing ownership of ideas and strategies, processes, resources (political, financial, human, technological), and outcomes. Power, participation, and capacity development are three challenges for all parties involved: “People need capacity, for example, to participate in addressing power structures, but they also need power to participate, which in turn builds their capacity.” (Verduijn 2008:366). Understanding ownership as a dynamic concept, which changes over time, might explain the difficulties with defining and applying it so far. In addition, once a government is willing to broaden ownership, it faces the difficulty of accommodating the diverging interests of many groups, of striking the right balance between no participation at all and complete participation of stakeholders in the development agenda. However, all actors calling for ownership also have to recognise that with ownership comes responsibility – for the successes and failures of development in this case – and inseparable from that the right of access to the fruits of development.

Figure 1: A framework for understanding ownership (Source: Verduijn 2008)



technical assistance needs, which will – if featured more prominently in national development plans – help set such objectives, and accordingly lead to more control by a country over co-operation. The problem is that – while verbally putting anti-corruption high on the agenda – governments and donors do not necessarily back up this claim with sufficient activities and resources. Much more awareness needs to be raised on the devastating effects corruption has on development and thus, on people’s lives. The list of transparency and accountability references in the Paris and Accra documents is long and this needs to translate into action, e.g. by using UNCAC implementation as

In terms of UNCAC, ownership has, during the signatory and ratifying stage, rather been **government ownership**,² but needs now to progress to **country ownership**. This would create a public basis for necessary reforms, without which implementation will be illusory, especially in reform-resistant environments. Expanding ownership in this manner means enhancing the capacity of all relevant actors at different levels – even on the part of donor staff in order to deal with requests to support anti-corruption efforts. However, this will take time, effort, and political skill. Therefore, implementation of UNCAC, as well as the Paris Declaration, cannot be rushed.

Alignment

The Paris Declaration urges donors to align with their partners’ national development strategies and to use strengthened country systems. Donors are indeed increasingly basing their activities on national development strategies, medium-term expenditure plans, budgets, and sectoral and thematic strategies. There are strong arguments for including anti-corruption policies – as featured in article 5 of UNCAC – here. It has been argued that such policies can be different in nature, i.e. they do not necessarily come with an “anti-corruption” label (Hussmann 2007), and many of them will entail issues (e.g. improved public financial management, procurement, public service conduct, judicial integrity) that contribute to national development via increased accountability and rule of law. This highlights the potential of UNCAC to promote donor alignment, not least because donors – in using recipient country systems – often concentrate on using national systems for public financial management, procurement, and auditing. Also, the Paris Declaration emphasises as one indicator of alignment the ability of a country’s authorities to communicate clear capacity development objectives, and to exercise control over technical co-operation. The self-assessment process accompanying UNCAC implementation identifies

a “test-case” for implementing the Paris Declaration. This would necessitate that those within governments and donor organisations working on anti-corruption operate in conjunction with their colleagues working on aid effectiveness.

Also, donor alignment efforts are still rather limited to the national level; even when adopting sectoral approaches, donors still focus heavily on the central level of government. With anti-corruption measures – which are likely to affect numerous sectors in a country – much more attention will have to be brought to sub-national levels of governments and constituencies. This will be all the more necessary when establishing an evidence base for measuring results, be it under the Paris Declaration or under UNCAC, as performance will have to be measured at the level of implementation.

Harmonisation

Harmonisation is essentially an issue of donor coordination, as donors are expected to implement more common arrangements, to simplify procedures, and to more effectively divide labour among themselves. So far, donor support to anti-corruption is rather disparate and uncoordinated. This is partly due to the diverse and cross-cutting nature of corruption; but it also reflects different donor beliefs about the best ways to address corruption. As for UNCAC’s potential towards better donor coordination, some steps have already been taken, which need follow-up. States in need of technical assistance are urged to designate a focal point to avoid duplication and to facilitate contacts with donors. In addition, they might “develop multi-year national frameworks of their needs for technical assistance to prevent and combat corruption, making [this] known to the donor community, which can use it as the basis for the

implementation of cooperation activities, pursuing a coordinated approach through specific allocation of tasks among donors.” (UNCAC Resolution 2/4). However, donors also need to think about how to integrate the anti-corruption agenda not only into their broader governance portfolio, but also their sectoral approaches. This mainstreaming, in turn, necessitates increased awareness of anti-corruption among donor staff, and UNCAC could be the tool to facilitate this. But donors also need a basis on which to coordinate, i.e. country strategies. While many countries have developed national anti-corruption strategies, their integration with other core governance policies and reforms remains insufficient (Husmann 2007) – thus limiting their potential as national development strategies.

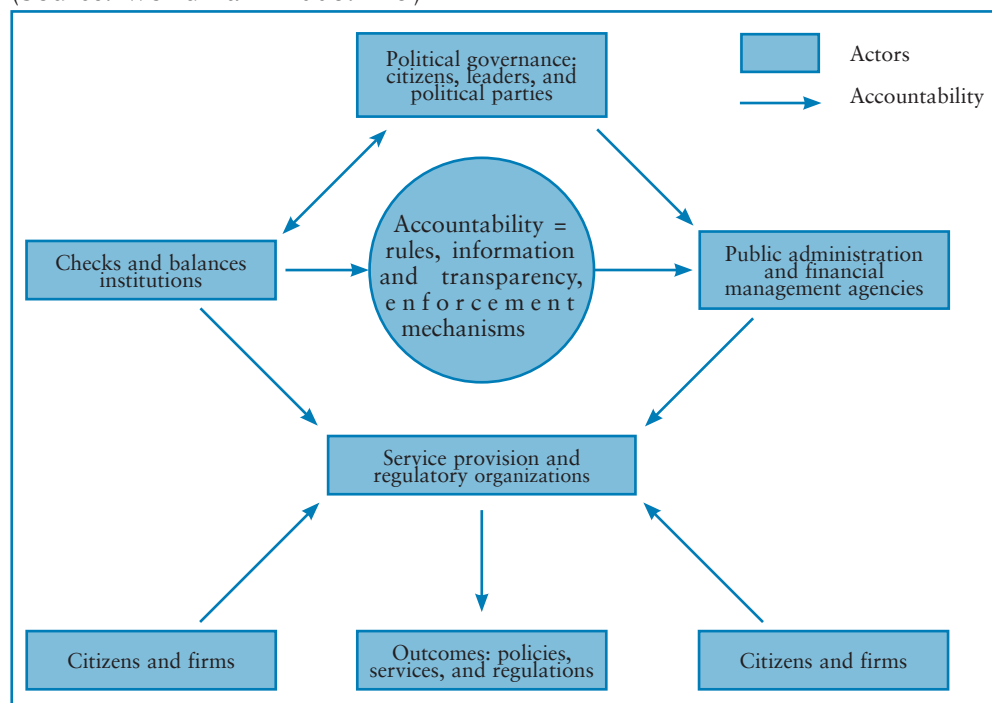
Harmonisation is also about aid modalities. UNCAC dedicates a whole chapter on technical assistance to implementing States Parties. This focus on technical measures reflects a commitment to building state capacity to fight corruption and secure accountability, which cannot be achieved by simply transferring money. The focus on capacity building does not exclude additional financial assistance in the form of budget support, and to the extent that budget support is often accompanied by technical assistance towards improving national public financial management systems, there are synergies. However, these synergies need enhancing: “As a consensus must be reached on a range of actions to be completed before benefiting from this form of support, budget support can be linked to the effective implementation of UNCAC preventive measures.” (U4 Expert Answer 2007). Moreover, the Paris Declaration is often equated with budget support, while it only obliges donors to engage increasingly in programme-based approaches. These include delivering aid to a specific organisation, making concrete institutional support – which is likely to be most needed when supporting complex

anti-corruption reforms – an option. Nevertheless, donors need to realise that addressing anti-corruption reform and the accountability commitments of the Paris Declaration can not be dealt with in a technical or financial manner, only. Accountability issues will always have political implications. Therefore, it is important for donors to increasingly embark on sound partnerships for development, which indicate long-term commitment, but more importantly, consist of valid contracts between donors and partner countries (not only governments) based on ex ante conditions agreed by all parties.

Managing for results

The Paris Declaration insists on results-oriented reporting and assessment. The Accra Agenda takes this further towards pro-poor development being the ultimate goal for results-based management. The Agenda also makes clear that transparency and accountability are at the core of these processes. At this point, there is a merit in having a closer look at what this implies. National governance systems consist of many institutions and actors, who do not only need to have the capacity to perform their functions, but who also need to be accountable to someone if governance is to be effective. Such accountability relationships are often complex, as figure 2 shows. In addition, “transparency is an essential cross-cutting aspect of the governance system, contributing to the efficacy of both the actors and the accountability relationships” (World Bank 2006: 124). Transparency is, of course, also important if a governance system is to be monitored regarding its effectiveness to produce development results. Here, UNCAC can be instrumental, as it arguably addresses all accountability relations shown in the figure, and is key in promoting transparency. All this not only shows the relevance of good governance for the aid effectiveness debate. It also puts a convention like UNCAC at the centre of the Paris Declaration and reemphasises UNCAC as a good governance convention, not a convention solely focused on anti-corruption.

Figure 2: National governance systems: actors and accountabilities
(Source: World Bank 2006: 125)



Operationally, specific governance indicators need to be attached to these processes, as suggested by the World Bank (2006) *Global Monitoring Report 2006*. Also, it needs to be considered that accountability relationships do not only operate at the national level. They exist at all levels, right down to public service delivery. Again, one needs to realise the ramifications of high-level agreements such as the Paris Declaration and UNCAC at the local level, where the bulk of work lies; it is also at this level that the success and failure of implementation will have to be measured in the long run.

Mutual accountability:

The Paris Declaration makes it a “major priority” for partner countries and donors to enhance mutual accountability and transparency in the use of development resources. In this regard, partner countries are asked to strengthen the role of parliaments in national development strategies and budgets, and to reinforce participatory approaches in formulating and assessing development strategies. Donors commit themselves to more timely and transparent reporting of aid flows. Nevertheless, stemming from a document signed by governments, the term **mutual accountability** is somewhat misleading as it has been widely understood as being confined to the accountability relationship between donors and partner governments. Also, one must be realistic about the aspirational nature of the concept of partnership as laid out in the Paris Declaration, as the relationship between donors and recipient countries will never be as equal as suggested. Partnerships between States Parties under UNCAC might be more effective, given that states engage on a more equal level between each other. However, as shown, accountability relationships are numerous, and there is a need to increasingly acknowledge this in the aid structure. Improvement is also needed in disclosing the nature of aid contracts and having their implementation monitored by third parties, something that would meaningfully increase the scope of the mutuality. Again, the framework laid out in UNCAC can play a role in promoting mutual accountability, because transparency, accountability, and societal participation are cornerstones of the convention. However, this is a rather general link, since UNCAC does not go into great detail as to how those principles could be operationalised. Certain UNCAC processes, however, lend themselves to enhance mutual accountability at the national level. For instance, the self-assessment process on UNCAC implementation, which is obligatory for States Parties, has the potential to foster national policy dialogues as well as to reform monitoring, if undertaken in an inclusive manner (Repucci 2009).

Conclusion

The UNCAC can play a key role in helping to operationalise aspects of the Paris Declaration. Both agreements, as discussed, are fundamentally concerned with accountability and transparency. While the Paris Declaration is primarily about process, UNCAC can help linking accountable and transparent processes to specific development outcomes, i.e. better governance. Thus, anti-corruption – rather than being an end in itself – needs to be placed in a wider accountability agenda, and understood as a means to achieve better governance in order to get to improved development

results. Clearly, there is a need to look closer into how this translates at the country level. For the potential synergies to be realised, a few general points need consideration:

- Donors and partner governments should find better ways to assert accountability in the aid effectiveness agenda, and potentially use UNCAC as a tool to this end.
- Donors need to mainstream accountability more effectively into their operational work.
- Partner governments should more pro-actively bring technical assistance needs identified under UNCAC into the policy dialogue.
- Donors and partner governments need to realise the long-term implication of implementing UNCAC, as well as the Paris Declaration. They need to back up these processes with sufficient resources and meaningful indicators at the implementation level.
- Capacity for accountability is not built with increased development funds alone, but through increased knowledge and expertise on the part of the stakeholders in the development process.
- Donors have to find ways of balancing their support among development actors, which, in turn, can help stimulate reform, especially when addressing corruption in reform-resistant countries. ■

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Endnotes

- ¹ Today, 123 states adhere to the Paris Declaration, only 11 of which have not yet signed UNCAC. Also, 70 of the 130 member countries of the Group of 77 have signed both the Paris Declaration and UNCAC.
- ² Where parliaments were involved in passing legislation for UNCAC ratification, this should in this context be seen as *government ownership*.